

1 GENERAL GOVERNMENT CABINET

2 Board of Dentistry

3 (New Emergency Administrative Regulation)

4 201 KAR 8:550E. Anesthesia and sedation.

5 RELATES TO: KRS 313.035

6 STATUTORY AUTHORITY: KRS 313.035(1)

7 NECESSITY, FUNCTION AND CONFORMITY: KRS 313.035(1) requires the board to promulgate  
8 administrative regulations related to conscious sedation and anesthesia permits. This administrative  
9 regulation establishes requirements for permits to perform conscious sedation or anesthesia.

10 Section 1. Definitions.

11 (1) “Advanced Cardiac Life Support” or “ACLS” means a certification that an individual has  
12 successfully completed an advanced cardiac life support course that meets or exceeds the  
13 standards established by the American Heart Association and incorporated by reference in 201  
14 KAR 8:530.

15 (2) “Anesthesia” means an artificially induced insensibility to pain usually achieved by the  
16 administration of gases or drugs.

17 (3) “Anesthesia and sedation” means:

18 (a) Minimal sedation;

(b) Moderate sedation;

(c) Deep sedation; and

(d) General anesthesia.

(4) "Board" means the Kentucky Board of Dentistry.

(5) "Certified registered nurse anesthetist" means a registered nurse who is currently certified to practice nurse anesthesia in Kentucky.

(6) "Conscious sedation permit" means a permit that was issued by the board before the effective date of this regulation, that authorized the dentist to whom the permit was issued to administer parenteral sedation for the practice of dentistry.

(7) "Deep sedation" means a drug-induced depression of consciousness during which patients cannot be easily aroused but respond purposefully following repeated or painful stimulation. The ability to independently maintain ventilatory function may be impaired. Cardiovascular function is usually maintained.

(8) "Enteral" means a technique of administration in which the agent is absorbed through the gastrointestinal (GI) tract or oral mucosa (oral, rectal, or sublingual).

(9) "Facility" means a location in which anesthesia or sedation is administered for the practice of dentistry.

(10) "Facility inspection" means an on-site inspection by the board or its designee to determine if a facility where the applicant proposes to provide anesthesia and sedation is adequately supplied, equipped, staffed, and maintained in a condition to support the provision of anesthesia and sedation services in a manner that meets the requirements of this administrative regulation.

(11) "General anesthesia" means a drug-induced loss of consciousness during which patients are not arousable even by painful stimulation. The ability to independently maintain ventilatory

1 function is often impaired. Patients often require assistance in maintaining a patent airway, and  
2 positive pressure ventilation may be required because of depressed spontaneous ventilation,  
3 drug-induced depression, or changes in neuromuscular function. Cardiovascular function may be  
4 impaired.

5 (12) "General anesthesia permit" means a permit that was issued by the board prior to the  
6 effective date of this regulation, that authorized the dentist to whom the permit was issued to  
7 administer general anesthesia for the practice of dentistry.

8 (13) "Incident" means dental treatment performed on a patient under minimal sedation, moderate  
9 sedation, deep sedation, or general anesthesia with unforeseen complications.

10 (14) "Incremental dosing" means administration of multiple doses of a drug until a desired effect  
11 is reached.

12 (15) "Minimal sedation" means a drug-induced state, with or without nitrous oxide to decrease  
13 anxiety, in which patients respond normally to tactile stimulation and verbal commands.

14 Although cognitive function and coordination may be impaired, ventilatory and cardiovascular  
15 functions are maintained and do not require assistance.

16 (16) "Moderate enteral sedation" means a drug-induced depression of consciousness through the  
17 gastrointestinal tract or oral mucosa during which patients respond purposefully to verbal  
18 commands, either alone or accompanied by light tactile stimulation. Intervention is not required  
19 to maintain a patent airway, and spontaneous ventilation is adequate. Cardiovascular function is  
20 usually maintained.

21 (17) "Moderate parenteral sedation" means a drug-induced depression of consciousness that  
22 bypasses the gastrointestinal tract or oral mucosa during which patients respond purposefully to  
23 verbal commands, either alone or accompanied by light tactile stimulation. Intervention is not

required to maintain a patent airway and spontaneous ventilation is adequate. Cardiovascular function is usually maintained.

(18) "Moderate sedation" means a drug-induced depression of consciousness during which patients respond purposefully to verbal commands, either alone or accompanied by light tactile stimulation. Intervention is not required to maintain a patent airway, and spontaneous ventilation is adequate. Cardiovascular function is usually maintained.

(19) "Parenteral" means a technique of administration in which the drug bypasses the gastrointestinal tract, that is, through an intramuscular, intravenous, intranasal, submucosal, subcutaneous, or intraosseous technique.

(20) "Pediatric Advanced Life Support" or "PALS" means a certification that an individual has successfully completed a pediatric advanced life support course that meets or exceeds the standards established by the American Heart Association and incorporated by reference in 201 KAR 8:530.

(21) "Sedation" means the reduction of stress or excitement by the administration of a drug that has a soothing, calming, or tranquilizing effect.

## Section 2. Minimal Sedation Without a Permit.

(1) A permit shall not be required for a dentist to administer minimal enteral sedation for patients age thirteen (13) and older.

(2) A dentist who intends to administer minimal sedation shall indicate the intent to administer minimal sedation in the patient's record.

(3) Medication used to produce minimal sedation shall not exceed the manufacturer's recommended dose (MRD) for unmonitored use by the individual. Additional dosing shall be within the MRD limits.

(4) A dentist who administers minimal sedation shall maintain a margin of safety and a level of consciousness that does not approach moderate sedation and other deeper states of sedation and general anesthesia.

(5) Nitrous oxide may be combined with an oral medication only if the level of sedation is maintained at the level of minimal sedation.

### Section 3. Permit and Location Certificate Required.

(1) A dentist shall not administer an anesthetic technique in order to attain a level beyond minimal sedation for the practice of dentistry unless:

(a) The dentist holds an appropriate Minimal Pediatric Sedation, Moderate Enteral Sedation, Moderate Parenteral Sedation, Moderate Pediatric Sedation or Deep Sedation or General Anesthesia permit issued by the board; or

(b) The dentist holds a conscious sedation or general anesthesia permit that shall be converted to a Minimal Pediatric Sedation, Moderate Enteral Sedation, Moderate Parenteral Sedation, Moderate Pediatric Sedation, or Deep Sedation/General Anesthesia permit at the next license renewal.

(2) A dentist shall not administer an anesthetic technique under a Minimal Pediatric Sedation, Moderate Enteral Sedation, Moderate Parenteral Sedation, Moderate Pediatric Sedation, or Deep Sedation or General Anesthesia, conscious sedation, or general anesthesia permit issued by the board at a facility unless:

(a) The facility has a current Anesthesia and Sedation Facility Certificate issued by the board; or

(b) The facility passed an inspection by the board for the purpose of issuing a conscious sedation or general anesthesia permit.

(3) A treating dentist who does not hold an anesthesia and sedation permit shall not allow a physician anesthesiologist, another dentist who holds an anesthesia and sedation permit, or a certified registered nurse anesthetist to administer an anesthetic technique in order to attain a level beyond minimal sedation for the practice of dentistry at a facility owned or operated by the treating dentist unless:

(a) The facility has a current Anesthesia and Sedation Facility Certificate issued by the board; or

(b) The facility passed an inspection by the board for the purpose of issuing a conscious sedation or general anesthesia permit.

Section 4. Classifications of Anesthesia and Sedation Permits. The following permits shall be issued by the board to a qualified licensed dentist:

(1) Minimal Pediatric Sedation permit that authorizes a dentist to use minimal enteral sedation for patients age five (5) to twelve (12). Medication or medications used to produce minimal sedation shall not exceed the manufacturer's recommended dose (MRD) for unmonitored use by the individual. Incremental dosing shall be prohibited. All dosing shall be administered in the dental office. A dentist who administers minimal sedation shall maintain a margin of safety and a level of consciousness that does not approach moderate sedation and other deeper states of sedation and general anesthesia.

Nitrous oxide may be combined with an oral medication only if the level of sedation is maintained at the level of minimal sedation.

(2) Moderate Enteral Sedation permit that authorizes a dentist to use moderate enteral sedation for patients age thirteen (13) and older;

(3) Moderate Parenteral Sedation permit that authorizes a dentist to use moderate parenteral sedation for patients age thirteen (13) and older;

(4) Moderate Pediatric Sedation permit that authorizes a dentist to use moderate sedation by any route of administration for patients age twelve (12) and under.

(5) Deep Sedation or General Anesthesia permit that authorizes a dentist to use:

(a) General anesthesia; or

(b) Deep sedation.

Section 5. Qualifications for Obtaining a Minimal Pediatric Sedation Permit. To qualify for a Minimal Pediatric Sedation permit, an applicant shall:

(1) Submit an “Application for a Sedation or Anesthesia Permit” which is incorporated by reference;

(2) Pay the fee required by 201 KAR 8:520;

(3) Hold current certification in either ACLS or PALS or successfully complete a six (6) hour board-approved course that provides instruction on medical emergencies and airway management; and

(4) Provide proof of successful completion of:

(a) a Commission on Dental Accreditation (CODA) accredited postdoctoral training program that affords comprehensive and appropriate training necessary to administer and manage minimal sedation; or

(b) Provide proof of successful completion of a board-approved course that shall consist of a minimum of twenty-four (24) hours of didactic instruction on pediatric minimal sedation by the enteral route or the combination enteral and nitrous oxide route.

Section 6. Qualifications for Obtaining a Moderate Enteral Sedation Permit. To qualify for a Moderate Enteral Sedation permit, an applicant shall:

(1) Submit an “Application for a Sedation or Anesthesia Permit” which is incorporated by reference;

(2) Pay the fee required by 201 KAR 8:520;

(3) Hold current certification in either ACLS or PALS or successfully complete a six (6) hour board-approved course that provides instruction on medical emergencies and airway management; and

4) Provide proof of successful completion of :

(a) a Commission on Dental Accreditation (CODA) accredited postdoctoral training program that affords comprehensive and appropriate training necessary to administer and manage moderate sedation; or

(b) Provide proof of successful completion of a board-approved course that shall consist of a minimum of twenty-four (24) hours of didactic instruction plus management of at least ten (10) adult case experiences by the enteral route or the combination enteral and nitrous oxide route. These ten (10) cases shall include at least three (3) live (on-sight) clinical dental experiences managed by participants in groups that shall not exceed five (5) individuals. These three (3) live (on-sight) experiences may be obtained by observing a permit level dentist in their office; and the remaining cases may include simulations and video presentations and shall include at least one (1) experience in returning a patient from deep to moderate sedation.

Section 7. Qualifications for Obtaining a Moderate Parenteral Sedation Permit. To qualify for a Moderate Parenteral Sedation permit, an applicant shall:

(1) Submit an “Application for a Sedation or Anesthesia Permit” which is incorporated by reference;



(2) Pay the fee required by 201 KAR8:520;

(3) Hold current certification in either ACLS or PALS or successfully complete a six (6) hour board-approved course that provides instruction on medical emergencies and airway management; and

(4) Provide proof of successful completion of:

(a) a CODA-accredited postdoctoral training program that affords comprehensive and appropriate training necessary to administer and manage moderate parenteral sedation; or

(b) Provide proof of successful completion of a board-approved course that shall consist of a minimum of sixty (60) hours of didactic instruction plus management of at least twenty (20) patients per course participant in moderate parenteral sedation techniques.

Section 8. Qualifications for Obtaining a Moderate Pediatric Sedation Permit. To qualify for a Moderate Pediatric Sedation permit, an applicant shall:

(1) Submit an “Application for a Sedation or Anesthesia Permit” which is incorporated by reference;

(2) Pay the fee required by administrative regulation;

(3) Hold current certification in either ACLS or PALS or successfully complete a six (6) hour board-approved course that provides instruction on medical emergencies and airway management; and

(4) Provide proof of successful completion of a CODA-accredited postdoctoral training program that affords comprehensive and appropriate training necessary to administer and manage moderate sedation for patients age twelve (12) and under.

Section 9. Qualifications for Obtaining a Deep Sedation/General Anesthesia Permit. To qualify for a Deep Sedation/General Anesthesia permit, an applicant shall:

(1) Submit an “Application for a Sedation or Anesthesia Permit” which is incorporated by reference;

(2) Pay the fee required by administrative regulation;

(3) Hold current certification in either ACLS or PALS; and

(4) Provide proof of successful completion of :

(a) a board-approved Accreditation Council for Graduate Medical Education (ACGME)

accredited post-doctoral training program in anesthesiology which affords comprehensive and appropriate training necessary to administer deep sedation and general anesthesia; or

(b) Provide proof of successful completion of a minimum of two (2) years advanced clinical training in anesthesiology from a Joint Commission on Accreditation of Healthcare Organization (JCAHO) accredited institution that meets the objectives set forth in Part Two (2) of the American Dental Association’s “Guidelines for Teaching the Comprehensive Control of Anxiety and Pain in Dentistry”; or

(c) Provide proof of successful completion of a CODA-accredited postdoctoral training program that affords comprehensive and appropriate training necessary to administer and manage deep sedation and general anesthesia.

Section 10. Multiple application levels permitted. Dentists with education and training for more than one (1) level of sedation may mark their levels of qualification on the “Application for a Sedation or Anesthesia Permit,” based on the requirements of sections 4 – 7 of this administrative regulation.

Section 11. Location Requirement. A dentist holding a Minimal Pediatric Sedation, Moderate Enteral Sedation, Moderate Parenteral Sedation, Moderate Pediatric Sedation, Deep Sedation/General Anesthesia, conscious sedation, or general anesthesia permit shall advise the Board of the name and address of each facility where the dentist intends to or has ceased to administer anesthesia and sedation

1 by submitting the “Anesthesia and Sedation Permit Location Notification Form” which is incorporated  
2 by reference within ten (10) business days of the change.

3 Section 12. Anesthesia and Sedation Facility Certificates.  
4

5 (1) The owner or operator of a facility shall obtain an Anesthesia and Sedation Facility  
6 Certificate from the board for any location at which:

7 (a) A dentist holding a Minimal Pediatric Sedation, Moderate Enteral Sedation, Moderate  
8 Parenteral Sedation, Moderate Pediatric Sedation, Deep Sedation/General Anesthesia, conscious  
9 sedation, or general anesthesia permit may administer anesthesia and sedation under the permit;  
10 or

11 (b) The treating dentist may allow a physician anesthesiologist, another dentist who holds an  
12 anesthesia and sedation permit, or a certified registered nurse anesthetist to administer an  
13 anesthetic technique in order to attain a level beyond minimal sedation for the practice of  
14 dentistry.

15 (2) A facility owner or operator desiring to obtain an Anesthesia and Sedation Facility Certificate  
16 shall:

17 (a) Submit an “Application for an Anesthesia and Sedation Facility Certificate” which is  
18 incorporated by reference;

19 (b) Pay the fee required by 201 KAR 8:520; and

20 (c) Successfully pass a facility inspection as outlined in Section 10 of this administration.

21 (d) A dentist that is currently in an advanced training course for sedation may request the Board  
22 of Dentistry complete a Sedation Facility Inspection prior to completion of the course.

(3) The owner or operator of a facility may not allow an individual to administer anesthesia or sedation unless the individual is permitted to do so under this administrative regulation.

(4) The owner or operator of a facility shall maintain for five (5) years for inspection by the board the name and license number of each dentist, physician anesthesiologist, or certified registered nurse anesthetist who has administered anesthesia or sedation at that location.

(5) The owner or operator of a facility shall ensure that the facility:

(a) Remains properly equipped in accordance with Section 10 of this administrative regulation; and

(b) Remains properly staffed in accordance with Section 11 of this administrative regulation.

(6) In addition to the requirements contained in Subsection (5) of this section, the owner or operator of a facility shall ensure that the facility has appropriate non-expired emergency and sedation medications.

### Section 13. Facility Inspection Criteria.

(1) To qualify for an Anesthesia and Sedation Facility Certificate, the facility shall pass an evaluation of facility equipment, medications, and clinical records to include at least the following:

(a) Oxygen and gas delivery system, backup system fail-safe;

(b) Gas storage facility;

(c) Safety indexed gas system;

(d) Suction and backup system;

(e) Auxiliary lighting system;

(f) Suitability of operating room to include:

1. Size, which must be at a minimum ten (10) feet by eight (8) feet or eighty (80) square feet;

2. Operating primary light source and secondary portable back-up source, unless back-up generator is available;

3. Accessibility by Emergency Medical Staff;

(g) Recovery area, including oxygen, suction, and visual and electronic monitoring, which may include the operating room;

(h) Appropriate emergency drugs;

(i) Non-expired drugs;

(j) Appropriate devices to maintain an airway with positive pressure ventilation,

(k) Preoperative medical history and physical evaluation form;

(l) Anesthesia records, including monitoring and discharge records;

(m) Monitoring equipment, including pulse oximeter and blood pressure monitoring;

(n) Electrocardiogram (EKG):

1. May be present for use by Minimal Pediatric Sedation, Moderate Enteral Sedation, Moderate Parenteral Sedation, and Moderate Pediatric Sedation permit holders for patients with significant cardiac history; and

2. Shall be present for use by Deep Sedation/General Anesthesia permit holders.

(o) Anesthesia and monitoring equipment to ensure they are in proper working order;

(p) Defibrillator or automated external defibrillator (AED) for Deep Sedation/General Anesthesia permits on adult patients; and

(q) For deep sedation or general anesthesia in pediatric patients:

1. A precordial stethoscope; or

2. A pretracheal stethoscope.

(2) During a facility inspection, inspectors shall:

1 (a) Examine the facility's equipment to determine if it is in proper working order;

2 (b) Determine if appropriate emergency drugs are present; and

3 (c) Determine if emergency drugs are non-expired.

4 Section 14. Inducing a Level of Sedation for a Patient.

5  
6 (1) Administration of minimal pediatric sedation, moderate enteral sedation, moderate parenteral  
7 sedation, moderate pediatric sedation, deep sedation, or general anesthesia to a patient requires at  
8 least the following appropriately trained individuals:

9 (a) The treating dentist;

10 (b) An individual trained and competent in basic life support (BLS) or its equivalent to assist the  
11 treating dentist; and

12 (c) Another individual trained and competent in BLS or its equivalent in close proximity to assist  
13 if needed.

14 (2) A dentist administering minimal pediatric sedation, moderate enteral sedation, moderate  
15 parenteral sedation, moderate pediatric sedation, deep sedation, or general anesthesia to a patient  
16 may not leave the site until the patient:

17 (a) Is conscious;

18 (b) Is spontaneously breathing;

19 (c) Has stable vital signs;

20 (d) Is ambulatory with assistance; and

21 (e) Is under the care of a responsible adult.

22 (3) A treating dentist who allows a physician, another dentist, or certified registered nurse  
23 anesthetist to administer minimal pediatric sedation, moderate enteral sedation, moderate

parenteral sedation, moderate pediatric sedation, deep sedation, or general anesthesia under Sections 18 and 19 of this regulation shall ensure that the physician, dentist, or certified registered nurse anesthetist does not leave the site until the patient:

- (a) Is conscious;
- (b) Is spontaneously breathing;
- (c) Has stable vital signs;
- (d) Is ambulatory with assistance; and
- (e) Is under the care of a responsible adult.

Section 15. Conscious Sedation Permits and General Anesthesia permits.

(1) A dentist who holds a current general anesthesia permit may continue to administer anesthesia and sedation consistent with a Deep Sedation/General Anesthesia permit until the expiration date of the permit.

(2) A dentist who holds a current conscious sedation permit and meets the requirements of Section 6(4) of this administrative regulation may continue to administer anesthesia and sedation consistent with a Moderate Pediatric Sedation permit until the expiration date of the permit.

(3) A dentist who holds a current conscious sedation permit and meets the requirements of Section 5 of this administrative regulation may continue to administer anesthesia and sedation consistent with a Moderate Parenteral Sedation permit until the expiration date of the permit.

(4) During the license renewal process, current general anesthesia permit holders shall convert the permit to a Deep Sedation/General Anesthesia permit.

(5) During the license renewal process, current conscious sedation permit holders shall convert the permit to a minimal pediatric sedation, moderate enteral sedation, moderate parenteral sedation, and/or moderate pediatric sedation permit.

(6) A dentist who currently practices enteral sedation without a permit may continue without a permit until January 1<sup>st</sup>, 2012 and shall receive a Moderate Enteral Sedation permit by the submission of :

(a) 24 hours of didactic education plus 20 sedation records documenting their experience; and

(b) Satisfactory completion of an on-site inspection as outlined in Section 10 of this regulation.

Section 16. Issuance and Expiration of Minimal Pediatric Sedation, Moderate Enteral Sedation, Moderate Parenteral Sedation, Moderate Pediatric Sedation and Deep Sedation/General Anesthesia Permits.

(1) Once an applicant has met the qualifications for obtaining a Minimal Pediatric Sedation, Moderate Enteral Sedation, Moderate Parenteral Sedation, Moderate Pediatric Sedation, or Deep Sedation/General Anesthesia permit the board shall issue a permit in sequential numerical order.

(2) Each permit issued under this administrative regulation shall expire on the same date as the permit holder's license to practice dentistry.

Section 17. Renewal of Minimal Pediatric Sedation, Moderate Enteral Sedation, Moderate Parenteral Sedation, Moderate Pediatric Sedation, and Deep Sedation/General Anesthesia Permits.

An individual desiring renewal of an active Minimal Pediatric Sedation, Moderate Enteral Sedation, Moderate Parenteral Sedation, Moderate Pediatric Sedation, and Deep Sedation/General Anesthesia permits shall:

(1) Submit a completed and signed "Application for Renewal of a Sedation or Anesthesia Permit" which is incorporated by reference;

(2) Pay the fee required by 201 KAR 8:520; and

(3) Provide evidence satisfactory to the board that the applicant meets the continuing education requirements outlined in Section 15 of this administrative regulation.



Section 18. Continuing Education Requirements for Renewal of a Minimal Pediatric Sedation, Moderate Enteral Sedation, Moderate Parenteral Sedation, Moderate Pediatric Sedation, or Deep Sedation/General Anesthesia Permit.

(1) An individual desiring renewal of an active Minimal Pediatric Sedation, Moderate Enteral Sedation, Moderate Parenteral Sedation, or Moderate Pediatric Sedation permit shall:

(a) Complete not less than six (6) hours of clinical continuing education related to sedation or anesthesia in a classroom setting that includes hands-on airway management during the two (2) year term of the permit; or

(b) Shall maintain ACLS or PALS certification.

(2) An individual desiring renewal of an active Deep Sedation/General Anesthesia permit shall:

(a) Complete not less than four (4) hours of on-sight clinical continuing education related to sedation or anesthesia during the two (2) year term of the permit; and

(b) Maintain ACLS or PALS certification.

(3) Continuing education required by this administrative regulation shall:

(a) Not be used to satisfy other continuing education requirements; and

(b) Be in addition to other continuing education requirements of 201 KAR 8:530.

Section 19. Facilities Inspected Prior to the Effective Date of this Regulation.

A facility owner or operator desiring to obtain an Anesthesia and Sedation Facility Certificate for a facility which passed an inspection by the board prior to the effective date of this regulation shall provide acceptable proof to the board of having passed a facility inspection for the purpose of issuing a conscious sedation or general anesthesia.

Section 20. Issuance of an Anesthesia and Sedation Facility Certificate.

(1) Once an applicant has met the qualifications for obtaining an Anesthesia and Sedation Facility Certificate the board shall issue a certificate in sequential numerical order.

Section 21. Administration by a Physician Anesthesiologist or Dentist at the Facility of a Treating Dentist.

(1) A treating dentist who desires to allow a physician anesthesiologist or another dentist who holds an anesthesia and sedation permit to administer anesthesia and sedation to a patient at a specific practice location shall comply with Section 9 of this administrative regulation.

(2) A physician anesthesiologist may administer anesthesia and sedation in accordance with Section 4 of this administrative regulation without the need for review by the board.

Section 22. Administration by a Certified Registered Nurse Anesthetist.

(1) A treating dentist who wishes to allow a certified registered nurse anesthetist to administer anesthesia and sedation to a patient at a specific practice location shall comply with Section 9 of this administrative regulation.

(2) Nothing under this section shall preclude a dentist from working with a certified registered nurse anesthetist in an ambulatory care center or hospital.

Section 23. Morbidity and Mortality Incident Reports.

(1) A dentist shall report to the Board, in writing, any death caused by or resulting from the dentist's administration of minimal sedation, moderate sedation, deep sedation, or general anesthesia within seven (7) days after its occurrence.

(2) A dentist shall report to the Board, in writing, any incident that resulted in hospital in-patient admission caused by or resulting from the dentist's administration of minimal sedation, moderate sedation, deep sedation, or general anesthesia within thirty (30) days after its occurrence.

(3) The written report to the Board required in Subsections (1) and (2) of this section shall include:

- (a) The date of the incident;
- (b) The name, age, and address of the patient;
- (c) The patient's original complete dental records;
- (d) The name and license number of the licensee and the name and address of all other persons present during the incident;
- (e) The address where the incident took place;
- (f) The preoperative physical condition of the patient;
- (g) The type of anesthesia and dosages of drugs administered to the patient;
- (h) The techniques used in administering the drugs;
- (i) Any adverse occurrence including:
  - 1. The patient's signs and symptoms;
  - 2. The treatment instituted in response to adverse occurrences;
  - 3. The patient's response to the treatment; and
  - 4. The patient's condition on termination of any procedures undertaken; and
- (j) A narrative description of the incident including approximate times and evolution of symptoms.

(4) The duties outlined in this section apply to every dentist whether or not the dentist holds a permit.

Section 24. Registered Dental Assistant Duties permitted when working with Sedation Permit holders:

- (1) A registered dental assistant working with Minimal Pediatric Sedation, Moderate Enteral Sedation, Moderate Parenteral Sedation, Moderate Pediatric Sedation and Deep Sedation/General Anesthesia permit holders may, under direct supervision:

- (a) Apply noninvasive monitors.
- (b) Perform continuous observation of patients and noninvasive monitors appropriate to the level of sedation, during the pre-operative, intra-operative and post-operative (recovery) phases of treatment.
- (c) Report monitoring parameters to the operating dentist on a periodic basis and when changes in monitored parameters occur.
- (d) Record vital sign measurements in the sedation record.
- (e) Remove IV lines (Moderate Parenteral Sedation, Moderate Pediatric Sedation and Deep Sedation/General Anesthesia Permit holders only).

(2) A registered dental assistant working with Minimal Pediatric Sedation, Moderate Enteral Sedation, Moderate Parenteral Sedation, Moderate Pediatric Sedation and Deep Sedation/General Anesthesia Permit holders, may under direct supervision assist in the management of emergencies.

(3) A registered dental assistant working with Moderate Parenteral Sedation, Moderate Pediatric Sedation and Deep Sedation/General Anesthesia Permit holders may, under direct supervision:

- (a) Administer medications into an existing IV line upon the verbal order and direct supervision of a dentist with a Moderate Parenteral Sedation, Moderate Pediatric or Deep Sedation/General Anesthesia permit.
- (b) Establish an IV line under direct supervision if they have completed a course approved by the Board of Dentistry in intravenous access.

Section 25 Incorporation by Reference. (1) The following material is incorporated by reference:

- (a) Application for Sedation or Anesthesia Permit;
- (b) Application for Sedation or Anesthesia Facility Certificate; and
- (c) Sedation of Anesthesia Permit Location Notification Form.

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Kentucky Board of Dentistry, 312 Whittington Parkway, Suite 101, Louisville, Kentucky 40222,

1 Monday through Friday 8a.m. through 4:30 p.m. This material is also available on the board's website at  
2 <http://dentistry.ky.gov>

3

A handwritten signature in cursive script, reading "C. Mark Fort", written over a horizontal line.

C. Mark Fort, DMD, President

February 1<sup>st</sup>, 2011

## REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Administrative Regulation #: **201 KAR 8:550E. Anesthesia and Sedation.**

Contact Person: Brian K. Bishop, Executive Director  
Board of Dentistry

(1) Provide a brief summary of:

(a) What this administrative regulation does: **This administrative regulation establishes requirements and procedures for issuing permits to dentists for the administration of anesthesia and sedation as mandated by KRS 313.035.**

(b) The necessity of this administrative regulation: **This administrative regulation is necessary to implement KRS 313.035, which requires the board to promulgate administrative regulations regarding the requirements governing the use of general anesthesia, deep sedation, and conscious sedation by a licensed dentist.**

(c) How this administrative regulation conforms to the content of the authorizing statute: **This administrative regulation provides information necessary about the requirements governing the use of general anesthesia, deep sedation, and conscious sedation by a licensed dentist as required by KRS 313.035.**

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: **This administrative regulation sets out the requirements governing the use of general anesthesia, deep sedation, and conscious sedation by a licensed dentist as required by KRS 313.035**

(2) If this is an amendment to an existing administrative regulation, provide a brief summary of:

(a) How the amendment will change this existing administrative regulation: **This amendment changes the statutory authority citation of this administrative regulation and makes cardiopulmonary resuscitation requirements and forms incorporated by reference consistent with other agency requirements.**

(b) The necessity of the amendment to this administrative regulation: **The statutory authority for this administrative regulation has changed, which necessitates an amendment of the statutory citation of this regulation.**

(c) How the amendment conforms to the content of the authorizing statute: **This administrative regulation provides information necessary about the requirements governing the use of general anesthesia, deep sedation, and conscious sedation by a licensed dentist as required by KRS 313.035.**

(d) How the amendment will assist in the effective administration of the statutes: **This administrative regulation provides information necessary about the requirements governing the use**

of general anesthesia, deep sedation, and conscious sedation by a licensed dentist as required by KRS 313.035. The amended forms improve agency efficiency by ensuring consistency across forms.

(3) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: **This administrative regulation will impact 268 current anesthesia and sedation permit holders and approximately 20 new applicants per year. Additionally, the Kentucky Board of Dentistry will be affected by this administrative regulation.**

(4) Provide an analysis of how the entities identified in question (3) will be impacted by either the implementation of this administrative regulation, if new, or by the change, if it is an amendment, including: **There will be no new impact on the 268 current anesthesia and sedation permit holders and approximately 20 new applicants per year.**

(a) List the actions that each of the regulated entities identified in question (3) will have to take to comply with this administrative regulation or amendment: **There are no new actions for licensees to take in order to comply with this administrative regulation. The Kentucky Board of Dentistry is charged by KRS 313.035 regulate the practice of dentistry in the Commonwealth.**

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (3): **From 201 KAR 8:520: Section 1. Dentists.**

**The initial fee for a dental anesthesia or sedation permit shall be \$250.**

**The renewal fee for a dental anesthesia or sedation permit shall be seventy-five (75) dollars and is in addition to the renewal fee for a general dental license.**

**The initial fee for an anesthesia or sedation facility certificate shall be \$250.**

**The renewal fee for an anesthesia or sedation facility certificate shall be seventy-five (75) dollars.**

**The Board is a self funded agency whose budget was approved in HB 1 of the 2010 Extraordinary Session of the General Assembly. HB 1 provided for FY 2010 – 2011 an allotment of \$705,400 and for FY 2011 – 2012 and allotment of \$714,000.**

(c) As a result of compliance, what benefits will accrue to the entities identified in question (3): **Licensees who are in compliance will have the legal ability to administer general anesthesia, conscious sedation, and deep sedation in the Commonwealth of Kentucky. The Kentucky Board of Dentistry is the regulatory agency and accrues no benefits from the regulations but rather provides enforcement of the chapter and processes for it licensees to legally practice dentistry in the Commonwealth.**

(5) Provide an estimate of how much it will cost the administrative body to implement this administrative regulation: **The Board is a self funded agency whose budget was approved in HB 1 of the 2010 Extraordinary Session of the General Assembly. HB 1 provided for FY 2010 – 2011 an allotment of \$705,400 and for FY 2011 – 2012 and allotment of \$714,000. The Kentucky Board of Dentistry receives no monies from the General Fund.**



(a) Initially: **No additional costs are expected.**

(b) On a continuing basis: **No additional costs are expected.**

(6) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation: **The implementation and enforcement of this regulation are fully funded by licensing fees paid by dentists as part of compliance with this regulation.**

(7) Provide an assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation, if new or by the change if it is an amendment: **The fees found in 201 KAR 8:520 make the agency financially solvent.**

(8) State whether or not this administrative regulation establishes any fees or directly or indirectly increases any fees: **This administrative regulation does not establish fees or directly or indirectly increase any fees.**

(9) TIERING: Is tiering applied? **Tiering was not appropriate in this administrative regulation because the administrative regulation applies equally to all licensees.**

## FISCAL NOTE ON STATE OR LOCAL GOVERNMENT

Regulation No. 201 KAR 8:550E.

Contact Person: Brian K. Bishop, Executive Director,  
Board of Dentistry

1. Does this administrative regulation relate to any program, service, or requirements of a state or local government (including cities, counties, fire departments, or school districts)?

Yes   X   No       

If yes, complete questions 2-4.

2. What units, parts or divisions of state or local government (including cities, counties, fire departments, or school districts) will be impacted by this administrative regulation?

The Kentucky Board of Dentistry is the only state government entity which will be impacted by this regulation.

3. Identify each state or federal statute or federal regulation that requires or authorizes the action taken by the administrative regulation.

KRS 313 et seq.

4. Estimate the effect of this administrative regulation on the expenditures and revenues of a state or local government agency (including cities, counties, fire departments, or school districts) for the first full year the administrative regulation is to be in effect.

There will be no new net fiscal affect on the Kentucky Board of Dentistry as the agency is a fully self funded agency and receives no general fund dollars.

(a) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for the first year?

Compliance with this regulation will provide the agency with enough money to meets its budgetary obligations as set forth in HB1 of the 2010 Extraordinary Session of the General Assembly.

(b) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for subsequent years?

Compliance with this regulation will provide the agency with enough money to meets its budgetary obligations as set forth in HB1 of the 2010 Extraordinary Session of the General Assembly.

(c) How much will it cost to administer this program for the first year?

FY 2010 – 2011 as allocated in HB 1 from the 2010 Extraordinary Session of the General Assembly is \$705,400

(d) How much will it cost to administer this program for subsequent years?

FY 2011 – 2012 as allocated in HB 1 from the 2010 Extraordinary Session of the General Assembly is \$714,000

Note: If specific dollar estimates cannot be determined, provide a brief narrative to explain the fiscal impact of the administrative regulation.

Revenues (+/-):

Expenditures (+/-):

Other Explanation:

## **SUMMARY OF MATERIAL INCORPORATED BY REFERENCE – AMENDED MATERIAL**

(1) The “Application for Sedation or Anesthesia Permit” is the 1 page form that licensees must submit if they wish to practice anesthesia or sedation in the Commonwealth of Kentucky. There are no changes to the content in this amended form; the form has been updated to match the standard style and formatting of the board’s forms to aid in efficient processing, and language has been made more clear to aid licensees in the filing of this form with the board.

(2) The “Application for Sedation or Anesthesia Facility Certificate” is the 1 page form used to allow licensees to have their facility certified to be eligible for the administration of anesthesia or sedation.

(3) The “Sedation of Anesthesia Permit Location Notification Form” is the 1 page form used by individuals to add and delete locations at which they practice anesthesia or sedation.